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**TO:**  
Examiner Jeffrey Fredman  
Art Unit 1634 - USPTO

**FAX NUMBER:**  
703-746-5147

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703-308-6568

**FROM:**  
Diane K. Wong

**RETURN FAX NUMBER:**  
(949) 737-2300

**TELEPHONE NUMBER:**  
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**OFFICIAL**

**M E S S A G E****URGENT --- PLEASE HAND DELIVER IMMEDIATELY**

Dear Examiner Fredman,

Further to our telephone call of today, I called your clerk Debra and left a message, but have not heard back from her. Since the issue fee is due today and we are therefore paying it today, we wanted to ensure that the Amendment, Claim of Priority, and Request for Corrected Filing Receipt were received and entered by today's date. Could you kindly confirm receipt of these documents and the entering of same or, in the alternative, direct me to the appropriate person to contact. Thank you for your assistance.

**IF YOU DID NOT RECEIVE ALL PAGES, PLEASE CALL Denise Doss AT (949) 737-2970, OR OUR FAX DEPARTMENT AT (949) 737-2981.**

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949 737 2300

P.02/11

Applicant: HELLER, Michael J. Attorney: JCK/DKW/mls  
Serial No.: 09/997,374 Docket No.: 267/242  
Filed: November 29, 2001  
For: HYBRIDIZATION OF POLYNUCLEOTIDES CONJUGATED WITH  
CHROMOPHORES AND FLUOROPHORES TO GENERATE DONOR

Please acknowledge receipt of the following by affixing hereon the Patent and  
Trademark Office date stamp and returning this card to our office.

Enclosures:

1. Preliminary Amendment
2. Claim of Priority
3. Request for Corrected Filing Receipt (with redlined Filing Receipt)
3. Return Postcard

Date of Deposit: May 21, 2002



Patent  
267/242

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:	)	Group Art Unit: 1655
Heller, Michael	)	Examiner: Not yet assigned
Serial No.: 09/997,374	)	
Filed: November 29, 2001	)	
For: HYBRIDIZATION OF POLYNUCLEOTIDES CONJUGATED WITH CHROMOPHORES AND FLUOROPHORES TO GENERATE DONOR-TO-DONOR ENERGY TRANSFER SYSTEM	)	

**REQUEST FOR CORRECTED FILING RECEIPT**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicant herein requests a corrected filing receipt for the above-identified patent application.

The Filing Receipt for the above application (copy enclosed) is incorrect in that it misstates the statement of priority. The correct "Continuing Data as Claimed by Applicant" should read:

THIS APPLICATION IS A CON OF 09/724,753 11/28/2000  
WHICH IS A CON OF 09/123,638 07/28/1998 PAT 6,162,603

OC-110411.1

**CERTIFICATE OF MAILING**  
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

Mary L. Smith

Name of Person Mailing Paper

May 21, 2002  
Date of Deposit

Signature of Person Mailing Paper

Patent  
267/242

WHICH IS A CON OF 08/703,601 08/23/1996 PAT 5,849,489  
WHICH IS A CON OF 08/232,233 05/05/1994 PAT 5,565,322  
WHICH IS A CON OF PCT/US92/09827 11/06/1992  
WHICH IS A CIP OF 07/790,262 11/07/1991 ABN

Applicants note that the statement of priority as originally filed inadvertently omitted reference to the great-grandparent application, serial no. 08/703,601, filed on August 23, 1996, now U.S. Patent No. 5,849,489. The priority claim has been corrected by amendment of even date herewith. Therefore, applicants respectfully request the issuance of a corrected filing receipt.

Respectfully submitted,

LYON & LYON LLP

Dated: 5/20/2002

By: John Kappos  
John Kappos  
Reg. No. 37,861  
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OCT-07-2003 16:08

O'MELVENY&amp;MYERS LLP IRV04

949 737 2300 P.10/11



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/997,374	11/29/2001	1655	406	267/242	4	24	2

## CONFIRMATION NO. 4021

22249  
 LYON & LYON LLP  
 633 WEST FIFTH STREET  
 SUITE 4700  
 LOS ANGELES, CA 90071

## UPDATED FILING RECEIPT



"OC000000007809139"

Date Mailed: 04/08/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Michael J. Heller, Encinitas, CA;

## Assignment For Published Patent Application

Nanogen, Inc., San Diego, CA;

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 09/724,753 11/28/2000

WHICH IS A CON OF 09/123,638 07/28/1998 PAT 6,162,603

WHICH IS A CON OF 08/232,233 05/05/1994 PAT 5,565,322

WHICH IS A 371 OF PCT/US92/09827 11/06/1992

WHICH IS A CIP OF 08/250,951 05/27/1994 PAT

WHICH IS A CON OF 07/790,262 11/07/1991 ABN

CIP

-Which is a CON of 08/703,601 08/21  
PAT 5,849,4

## Foreign Applications

If Required, Foreign Filing License Granted 02/13/2002

Projected Publication Date: 07/18/2002

Non-Publication Request: No

Early Publication Request: No

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APR 12 2002

U.S. PATENT &amp; T. OFF.

**Title**

Hybridization of polynucleotides conjugated with chromophores and fluorophores to generate donor-to-donor energy transfer system

**Preliminary Class**

435

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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